

Serial No. 10/681,597  
Filing Date: October 8, 2003  
Amendment and Response to Office Action

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## REMARKS

### I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of this amendment, claims 1-4 and 6-31 will be pending in this application. Claim 5 has been canceled. Claims 7-31 have been withdrawn from consideration by the Examiner as directed to a nonelected invention. Accordingly, claims 1-4 and 6 are presently undergoing examination on the merits.

Applicant has amended the specification and claim 1 to correct typographical errors in units noted by the Examiner, and eliminate the term "atomically," to which the Examiner has objected.

No new matter has been added.

### II. OBJECTION TO SPECIFICATION

At pages 2-3 of the Office action, the Examiner has objected to the specification as containing an obvious typographical error in the units used to describe the size of the transition metal oxide nanoparticulates. Applicant has amended the specification to use the correct units, and to use a consistent size range of 20-100 nm. This comports with the understanding of the Examiner of the art-recognized meaning of the terms "nanoparticulate" and "fumed." Since this amendment merely corrects an obvious typographical error, it does not introduce new matter. In view of the amendment to the specification, the Examiner's objection should be withdrawn.

### III. INDEFINITENESS REJECTION

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At pages 3-4 of the Office action, the Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicant respectfully traverses this rejection and requests its reconsideration and withdrawal.

Applicant has amended claim 1 to recite that the size range for the transition metal oxide nanoparticles is 20-100 nm, consistent with the specification. Applicant has also removed the term "atomically" to avoid any possible ambiguity with respect to the claim. Accordingly, Applicant respectfully submits that the claims are clear and definite, and in compliance with the requirements of 35 U.S.C. § 112, second paragraph.

#### IV. REJOINDER

Applicants note with appreciation the Examiner's indication that the non-elected claims will be considered for rejoinder when the product claims are found allowable. Since Applicants have removed all objections and rejections to the product claims by this amendment, such rejoinder is respectfully requested.

#### CONCLUSION

Applicant's claims are clear and definite, fully supported by an adequate and enabling written description, and define novel and nonobvious subject matter. As a result, they are in condition for immediate allowance, and an early notification to that effect is earnestly solicited.

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From-KILPATRICK STOCKTON LLP

+4048156118

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The Commissioner is hereby authorized to charge any deficiencies or credit  
any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray  
Reg. No. 35, 799

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
(404) 815-6218